

### **REMARKS**

Claims 1-7 are all the claims pending in the application. By this Amendment, Applicant amends claim 3. The amendment to claim 3 is made for reasons of clarity, and does not narrow the literal scope of the claims and thus does not implicate an estoppel in the application of the doctrine of equivalents. The amendment to claim 3 was not made for reasons of patentability.

#### **I. Preliminary Matters**

The Examiner has not indicated receipt or consideration of the references listed on form PTO/SB/08 A & B submitted with the Information Disclosure Statement filed on November 6, 2002. Therefore, Applicant respectfully requests the Examiner to acknowledge receipt of the Information Disclosure Statement filed on November 6, 2002 and initial and return a copy of the Form PTO/SB/08 A & B to the Applicant in the next office action.

Moreover, the Examiner failed to acknowledge the claim for priority under 35 U.S.C. § 119(e), as well as the receipt of a certified copy of the priority document filed on March 26, 2001. Therefore, Applicant respectfully requests the Examiner to check the appropriate boxes on the Form PTO-326 indicating that the claim for priority is acknowledge and that the certified copy of the priority document has been received.

The Examiner has objected to the drawings and rejected claims 1-2 and 4-7 under 35 U.S.C. § 102(e) and claim 3 under 35 U.S.C. § 103(a).

#### **II. Objection to the Drawings**

The Examiner has objected to Figures 9 and 10 because they are not labeled prior art. The drawings have been amended to remedy this situation. Replacement Drawings labeling Figures 9 and 10 -- prior art-- are accompanying this response. As a result, the Examiner is

respectfully requested to acknowledge receipt and indicate approval of the drawing corrections in the next Patent Office paper.

### III. Claim Rejections

Claims 1-2 and 4-7 are rejected under 37 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6, 600, 713 to Tognazzini (hereinafter “Tognazzini”) and claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tognazzini in view of Official Notice. Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider this rejection in view of the comments, which follow. Of these claims only claim 1 is independent.

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

Independent claim 1 recites a number of unique features not found in the cited references. For example, claim 1 recites: *file management information about the file is recorded in the write area*. The Examiner asserts that claim 1 is directed to a hybrid recording medium and is anticipated by Tognazzini. The Examiner asserts that Tognazzini’s serial number, which may be included in the read and write area is equivalent to file management information as set forth in claim 1 (see page 2 of the Office Action). Applicant respectfully disagrees with the Examiner. Applicant has carefully studied Tognazzini’s discussion of the serial number, which is not similar to the file management information as set forth in claim 1.

For example, an illustrative, non-limiting embodiment of the present invention teaches that file management information is necessary information for efficiently controlling files recorded in a medium. In particular, file management information of this exemplary embodiment may comprise both "file configuration information" and "volume configuration information". File configuration information is an attribute information such as file name, file size, date information and access control information. Volume control information is information such as number of blocks in a full volume of the medium, size of the full block including file configuration information and where an unused block resides. Thereby, by using this file management information, file access such as reading, writing, updating and fast search can be efficiently performed. This non-limiting embodiment is meant by way of an example only and is not intended to limit the scope of the claims in any way.

Tognazzini teaches a hybrid optical recording medium with a separate read-only and read/write areas. Central Processing Unit (CPU) of a computer may be programmed to assign serial or code numbers to different disks and to use these serial numbers to identify a disk and implement a customized routine in conjunction with the reading of information pre-recorded in the read-only part. Once the CPU checks for the serial number of a disk and assigns one if there is none (Fig. 5; col. 5, lines 48 to 60).

Thereafter, the information processing system enters a program mode where it accepts and retains inputs from a user or other information indicating a preferred customization for reading of information pre-recorded in the read-only part of the disk. These inputs could indicate, for example, a preferred playback program for a series of song recorded in read-only part 101 of a hybrid CD. When the session is complete, CPU 400 then causes inputs or

monitored information to be transferred to the read/write part of the disk (Fig. 5, col. 5, line 61 to col. 6, line 19).

When the disk is subsequently inserted into the disk drive 200, it will again be scanned and this time the serial number will be detected and read from the read/write part. The serial number will be matched with the record thereof and the corresponding control information kept in the random access memory of the computer (col. 6, lines 20 to 30). As a result, the control information kept in RAM of the computer can indicate that the disk is a CD or a CD-ROM game and the inputs stored in the read/write part will indicate a playback program or ending game position (col. 6, lines 27 to 37).

In other words, Tognazzini only teaches a serial number used to record which program in the medium will be used. The purpose and the content of the Tognazzini's serial number is clearly different from the file management information as set forth in claim 1. Tognazzini's serial number is only used to identify the record with control information stored in RAM, which corresponds to the program to be executed. In short, Tognazzini does not teach or suggest a serial number to manage files on the recording medium thereby, conducting file access efficiently.

Therefore, *file management information* as set forth in claim 1 is not suggested or taught by Tognazzini, which lacks having file management information and instead only teaches a serial number for identifying a record and control information stored in RAM. For at least these exemplary reasons, Applicant respectfully submits that independent claim 1 is not anticipated or obvious in view of Tognazzini. Applicant therefore respectfully requests the Examiner to reconsider and withdraw this rejection of independent claim 1. Also, Applicant

Amendment Under 37 C.F.R. § 1.111  
U.S. Application No.: 09/816,352

Attorney Docket No.: Q63622

respectfully submits that claims 2-7 are allowable at least by virtue of their dependency on claim 1.

#### IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

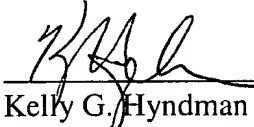
Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

  
\_\_\_\_\_  
Kelly G. Hyndman  
Registration No. 39,234

Date: March 4, 2004